

09/856717

BOX PCT
PATENT
0230-0162P

#3



IN THE U.S. PATENT AND TRADEMARK OFFICE

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FEB 02 2004

APPLICANT:

Kenji ASANO et al.

OFFICE OF PETITIONS

INTERNATIONAL APPL. NO.:

PCT/JP99/06617

APPL. NO.:

09/856,717

Conf.:

FILED:

May 25, 2001

FOR:

T CELL IMMUNOACTIVITY
ENHANCERS CONTAINING EXTRACT
OF LENTINUS EDODES MYCELIUM

LETTER SUBMITTING ADDITIONAL DOCUMENTS FOR
ENTERING NATIONAL PHASE FOR A PCT APPLICATION

BOX PCT

Assistant Commissioner for Patents
Washington, DC 20231

February 19, 2002

Sir:

Under the provisions of 37 C.F.R. § 1.494 or 37 C.F.R. § 1.495, attached hereto are the following additional items necessary for entering the national phase in connection with the above-identified PCT international application.

- Executed Declaration and Power of Attorney.
- Original Photocopy
- The specification attached to the executed Declaration and Power of Attorney is a true copy of the specification which was filed in the U.S. Patent and Trademark Office on May 25, 2001, including any amendments thereto (if applicable) filed on even date therewith.

The undersigned hereby declares that "Attorney Docket No. 0230-0162P" on page 1 of the attached inventors' Declaration corresponds to Appl. No. 09/856,716 filed May 25, 2001 entitled "T CELL IMMUNOACTIVITY ENHANCERS CONTAINING EXTRACT OF LENTINUS EDODES MYCELIUM".

English language specification, claims, and Abstract with () sheets of drawings.

Applicant claims small entity status under 37 C.F.R. § 1.27.

Attached is a copy of the Notification of Missing Requirements (Formalities Letter).

No extension fee is required because the undersigned has not yet received the Notification of Missing Requirements (Formalities Letter). However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.

Applicant(s) hereby respectfully petitions for five (5) month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$1,960.00 is attached hereto.

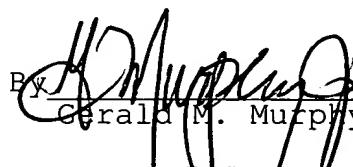
The Government Filing Surcharge in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on May 25, 2001.

- Submitted concurrently herewith **under separate cover** for recording is an Assignment.
- A Fee of \$0.00 to cover the increase in fees of the filing Surcharge is enclosed.
- Check(s) in the amount of \$1,960.00 to cover the above-mentioned fees is/are enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP


By _____
Gerald M. Murphy, Jr., #28,977
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GMM/MAA/bsh
0230-0162P

Attachments

(Rev. 10/18/01)



UNITED STATES PATENT AND TRADEMARK OFFICE

09/856717

Commissioner for Patents, Bldg PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

09/856,717

ASANO

K 0203-0162P
INTERNATIONAL APPLICATION NO.

002292

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747 FEB 02 2004
FALLS CHURCH VA 22040-0747 OFFICE OF PETITIONS

PCT/JP99/06617

I.A. FILING DATE

PRIORITY DATE

11/26/99

11/27/98

DATE MAILED:

07/19/01

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494) an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee.
- Copy of the international application.
- Oath or Declaration of inventors(s).
- Copy of Article 19 amendments.
- Priority Document.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.

- Indication of Small Entity Status.
- Translation of the international application into English.
- Translation of Article 19 amendments into English.
- Other:

2. Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- U.S. Basic National Fee.
- Copy of the international application.

3. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- b. The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- d. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/BO/917.

4. Additional claim fees of \$ Surcharge is paid as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes MUST be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(g)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: PCT/DO/EO/917
 PTO-875

Notice of Defective Translation
 PCT/DO/EO/920

Reg. #
Serial Stage Process
Telephone: (703) 355-0700